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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,366	07/11/2002	Udo Pursche	P/63002-PCT	1748
156	7590	04/28/2006	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			LUU, AN T	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,366

Applicant(s)

PURSCHE, UDO

Examiner

An T. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

MY-TRANG NUTON
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

An RCE filed on 3-20-06 has been received and entered in the case. The rejections set forth in the previous Office Action are maintained as indicated below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Brauns reference (U.S. Patent 5,900,747).

Brauns discloses in his sole figure an apparatus comprising at least two series-connected diodes (D1, D2); a repeating coil (transformer Tr) for feeding a reference signal (fr) to the diodes; a decoupling network (R1, R2, C3, C4) via which an input signal (fo) is placed on the diodes, and an output signal (fd) is tapped off the diodes; and reactances (Rs1, C1, L1, Rs2, C2, L2) between the diodes and the repeating coil for balancing respective voltages on the diodes as partially required by claim 4. As to newly added limitations "for use over a temperature range", it is seen as an intended use which is not given patentable weight; "having a temperature-dependent drift" and "in order to minimize variations in the output signal during changes in ambient temperature", they are seen as results derived from the recited structure.

Brauns does not disclose the reactances being adjustable as specifically required the claim. However, it would have been obvious to one skilled in the art at the time the invention

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was made to replace reactances with adjustable reactances since reactances is known to come various sizes and/or values.

A skilled artisan in the art would have been motivated to do the above substitution since adjustable reactances can provide further control so as to offset other circuit component induced non-linearities so as to enhance the linearity performance of the circuit.

As to claim 5, the sole figure shows the decoupling network comprising resistors, (R1, R2) and capacitors (C3, C4).

As to claims 6-9 and 12, the sole figure working resistors (Rk1, Rk2) connected in series with the diodes, both working resistors being connected together at a connection point with a fixed potential (i.e., GROUND), and feed lines between the repeating coil and the diodes (i.e., line having Rs1, L1, Ck1 and line having Rs2, L2, Ck2), each feed line having at least one of the reactances therein and being connected between a respective diode and a respective working resistor.

As to claim 11, coil Tr of the sole figure is shown as a transformer.

As to claim 10, Brauns does not disclose an adjustable transformer as required by the claim. However, it would have been obvious to one skilled in the art at the time the invention was made to incorporate an adjustable transformer into the teachings of Brauns to enhance range and/or capability of the teachings since adjustable transformer is a known device. A skilled artisan in the art would have been motivated to utilized the adjustable transformer for the benefit of being used for controlling the amplitude of the voltage such that the above apparatus can be applicable with a wider range of input signal.

Response to Arguments

3. Applicant's arguments filed 3-20-06 have been fully considered but they are not persuasive.

Applicant has argued that "the Examiner is over simplifying the present invention" since "placing the adjustable reactances between the diodes and the repeating coil is not disclosed, nor suggested". The Examiner respectfully disagrees since Brauns does disclose each and every limitations required by claim 4 except for disclosing "adjustability for the reactances" wherein adjustable reactances are off-the-shelf components. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replace a fixed-reactance with an adjustable one to provide a better control. Further, it have been held that the provision of adjustability, where needed, involves only routine skill in art, *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 571-272-1746. The examiner can normally be reached on 7:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

An T. Luu

4-6-06 *AL*


MY-TRANG NUTON
PRIMARY EXAMINER